

to ct
w/ order

ORIGINAL

27
8/12/02
FILED
HARRISBURG, PA
AUG 09 2002
MARY E. D'ANDREA CLERK
Per Deputy Clerk
PM 2:45
CLERK OF COURT
HARRISBURG, PA.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Nancy Hall, individually and
as the Representative and
Administratrix of the Estate of
Tommy Hall, deceased, her husband,
Plaintiff

v.

Cuna Mutual Group, Cuna Mutual
Insurance Society,
Defendants

CIVIL ACTION - LAW

1:01-CV-1265

(Judge Sylvia H. Rambo) ✓

**DEFENDANTS' UNCONTESTED MOTION FOR AUTHORIZATION
TO FILE A BRIEF OF UP TO 35 PAGES IN SUPPORT
OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants, by and through their attorneys, McNeese Wallace & Nurick LLC,
hereby file this Uncontested Motion for Authorization to File a Brief of Up to 35 Pages in
Support of Their Motion for Partial Summary Judgment. In support thereof, Defendants
assert the following:

1. Given the complicated legal and factual issues in this case, Defendants seek
permission to file a brief of up to 35 pages in support of their Motion for Partial Summary
Judgment. Plaintiffs do not contest Defendants' request to file a brief of this length, and
the parties agree that Plaintiffs would be given the opportunity to file a brief of up to 35
pages in response.

2. On July 9, 2001, Plaintiffs commenced this action against Defendants. On or about May 22, 2002, upon obtaining leave of court, Plaintiffs filed an Amended Complaint, asserting a wide variety of claims against Defendants.

3. Plaintiffs assert the following: (1) Defendants breached the contract with Mr. Hall; (2) Defendants acted negligently in their handling of the claim process; (3) Defendants committed fraud and deceit; and (4) Defendants violated the bad faith statute at 42 Pa.C.S.A. § 8371.

4. Plaintiffs contend that Defendants' bad faith includes conduct both prior to, and after, the commencement of this litigation. Plaintiffs further assert that Defendants acted wrongfully, and in bad faith, by reporting Mr. Hall's conduct to the Insurance Fraud Section of the Attorney General's Office.

5. Plaintiffs seek damages for pain and suffering and emotional distress. They also seek compensatory damages, punitive damages, attorneys' fees, interest, and costs.

6. During the course of this case, the parties have deposed 17 witnesses, including 9 CUNA employees, 7 doctors and/or their employees, and Mrs. Hall herself. In addition, the parties have exchanged thousands of pages of documents, and 5 expert reports. Finally, there was a related medical malpractice case, and Mr. Hall gave a videotaped deposition in that case.

7. Plaintiffs' bad faith and fraud claims are particularly fact sensitive, involve analysis of many medical records, and will require detailed discussion.

8. Defendants wish to file a Motion for Partial Summary Judgment addressing many different aspects of the claims brought by Plaintiffs. Given the complicated legal

and factual issues involved in this case, Defendants believe that a brief of up to 35 pages is necessary to fully address the issues covered by their Motion for Partial Summary Judgment.

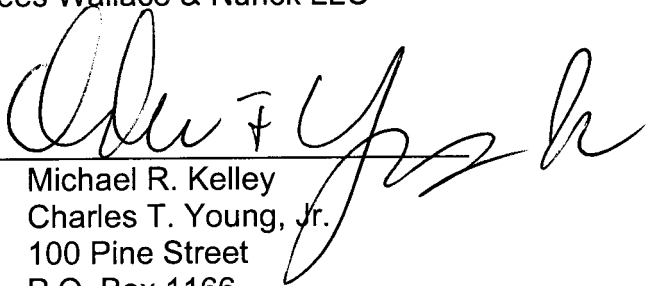
9. Plaintiffs do not contest this Motion for Authorization to File a Brief of Up to 35 Pages in length.

WHEREFORE, Defendants respectfully request that the Court grant this Motion, and authorize Defendants to file a brief of up to 35 pages in support of their Motion for Partial Summary Judgment.

Respectfully submitted,

McNees Wallace & Nurick LLC

By



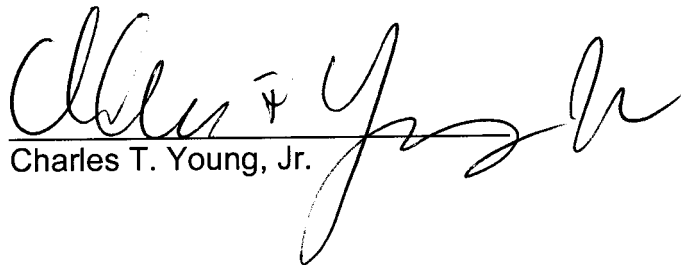
Michael R. Kelley
Charles T. Young, Jr.
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 237-5322
Fax: (717) 237-5300

Attorneys for Defendants

Dated: August 9, 2002

CERTIFICATE OF CONCURRENCE

I, Charles T. Young, Jr., hereby certify that I have contacted Plaintiffs' counsel, Stephen R. Pedersen. I spoke with Mr. Pedersen personally on Friday, August 9, 2002, and he concurs in Defendants' request to file a brief of up to 35 pages in length.


Charles T. Young, Jr.

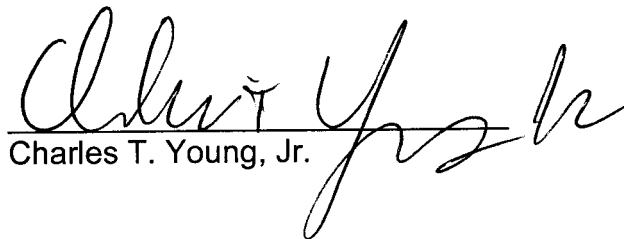
Dated: August 9, 2002

CERTIFICATE OF SERVICE

I, Charles T. Young, Jr., hereby certify that on this 9TH day of August, 2002, a true and correct copy of the foregoing document was served by U.S. first-class mail, postage prepaid, upon the following:

Stephen R. Pedersen, Esq.
214 Senate Avenue, Suite 602
Camp Hill, PA 17011

Catherine Mahady-Smith, Esq.
3115-A N. Front Street
Harrisburg, PA 17110


Charles T. Young, Jr.